

1 walked in the front door and we'd greet each other.
2 It was very professional and the standard how are you,
3 fine, how are you, fine, and that was pretty much it.

4 Q AS we talked about in your direct
5 testimony at page 13, SFUSD Exhibit T1, page 13, you
6 state that you reviewed section 733527 of the rules
7 and you did that at about the time you were trying to
8 determine what should be in the public file?

9 A Yes.

10 Q It seems to me that your testimony
11 suggests that you were puzzled about what needed to be
12 in the file, but you did have an understanding that
13 the file was missing documents? Is that a yes?

14 A Yes.

15 Q Now, when you reviewed section 733527, and
16 you had actually read a portion of it into the record,
17 are you suggesting that you didn't notice that the
18 rules requirement that the Issues Program List were to
19 be placed in a Public Inspection File on a quarterly
20 basis throughout the license term?

21 A Yes, I think that that's kind of the root
22 of the problem here that that was where I made the

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1 mistake, that to the degree that I thought I
2 understood what the program list was for, to the
3 degree that this was the first time I was working on
4 a license renewal application that spanned so many
5 pages and so many questions and each question that I
6 had to respond to compelled the reading of a different
7 regulation other than the Public Inspection File.

8 This is the one area that I thought I knew
9 well, which isn't to say that I glossed over this
10 area, because I knew that we had to have in our Public
11 Inspection File lists that showed that we were
12 operating in a manner that covered issues and met the
13 community needs that this is where I made the mistake.

14 I was either working too fast, not paying
15 attention, but I do remember reading through the
16 regulation. The fact that the reports had to be there
17 in the file on a quarterly basis by a certain date,
18 I'm sorry I missed that detail. I think that's where
19 I made the mistake and that's where I misunderstood
20 what we had to have in the file by when and how I
21 should've answered the question differently.

22 Q You indicated that you were looking at the

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1 Public Inspection File at about the time Susan Hecht
2 gave you her report. Was there a time subsequent to
3 that before you actually completed the renewal
4 application and sent it to the FCC for filing that you
5 looked at the Public Inspection File again?

6 A I don't remember looking at the Public
7 Inspection File again after that.

8 JUDGE SIPPEL: After when?

9 THE WITNESS: Subsequent to Susan Hecht
10 providing the list.

11 MR. SHOOK: Which occurred in June 1997
12 according to the information that we have.

13 MR. PRICE: The witness might be a little
14 confused by the question. Please ask the previous
15 question again.

16 BY MR. SHOOK:

17 Q It's now June 1997. Susan Hecht is giving
18 you a report. You testified that you're actually
19 looking at the Public Inspection File at about the
20 time she gives you the report, so in a sense the
21 report is almost old news.

22 A Yes, because what I remember is that I had

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1 asked her to provide some assistance but I was working
2 on the renewal application in between everything else
3 I was working on at the station so the work process to
4 fill out the application was -- I had a couple hours
5 here. Over a number of weeks I'll work on it.

6 Then I'll set it aside, work on it again.
7 So, I was working on it when I needed to work on it,
8 and by the time I needed to work on this part of the
9 application, Susan hadn't reported anything back to me
10 or let me know that I'm done doing what you asked me
11 to do. I just went to work on my own.

12 Q So you pulled out the file drawer and just
13 started to look through it to see what was there?

14 A Yes.

15 Q Then you organized it in some fashion, or
16 what did you do?

17 A I don't remember organizing it myself. I
18 remember having an understanding that one of the
19 things that we needed to place in the Public
20 Inspection File is a program list and so the best that
21 I can remember is that I went through there looking
22 for what I would consider a program list that covered

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1 the license period that we were talking about or that
2 was the subject of the license renewal.

3 Q Then upon not finding that you did
4 something.

5 A Yes. Then I asked producers generally --
6 I remember that I asked the producers the one that I
7 remember specifically is John Covell. Again, like I
8 said in my testimony, John was good to work with and
9 I knew that I could count on him to complete what I
10 was asking him to do.

11 Q So you asked at least John and perhaps one
12 or more producers to prepare something?

13 A Yes.

14 Q At some point in time did you then look at
15 the public file again to determine whether or not any
16 such material actually made it into the file?

17 A I don't remember if I did that.

18 Q That was the question that I had asked
19 before. In your testimony at SFUSD Exhibit T1, page
20 13, you relate that you sought advice from Mr. Sanchez
21 prior to completing the renewal application.

22 JUDGE SIPPEL: Mr. Shook, I want to ask

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1 one or two questions on clarification on this. You
2 instructed Ms. Hecht -- I'm not going to put words in
3 your mouth but -- the point being is that you wanted
4 Ms. Hecht to straighten out the files for you.

5 THE WITNESS: Yes, sir.

6 JUDGE SIPPEL: You received this list of
7 witnesses in Exhibit E, page 1 of 4. Did -- and then
8 I -- did this list prompt you to go back into the file
9 or --

10 THE WITNESS: No, sir.

11 JUDGE SIPPEL: It didn't? Okay. But you
12 did -- the sequence of events was you asked Ms. Hecht
13 to straighten out the file in effect.

14 THE WITNESS: Yes.

15 JUDGE SIPPEL: She came back to you with
16 this list.

17 THE WITNESS: Yes.

18 JUDGE SIPPEL: Typed up?

19 THE WITNESS: Yes.

20 JUDGE SIPPEL: How long was the timeframe
21 between your request to her and when she came back
22 with this list typed up?

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1 THE WITNESS: I don't remember how much
2 time passed.

3 JUDGE SIPPEL: I'm going to assume it was
4 not within the same day or maybe she works that fast,
5 I don't know.

6 THE WITNESS: Yes. I don't remember how
7 much time passed between when I asked her for help and
8 when she gave me the report, but what I remember is
9 that by the time she gave me the report I had already
10 started looking at the file myself.

11 JUDGE SIPPEL: So you were actually
12 looking into the file -- in the file and you were in
13 the process of doing that when she gave you the
14 report?

15 THE WITNESS: Yes.

16 JUDGE SIPPEL: Did you make a
17 determination one way or the other as to whether or
18 not she had done anything to straighten out the file
19 as you had asked her?

20 THE WITNESS: I think I understand the
21 question. By the time I started looking at the file
22 myself I don't remember it being any more organized or

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1 less messy than I remember it being before I asked
2 Susan Hecht to start straightening it up for me.

3 JUDGE SIPPEL: Essentially the same?

4 THE WITNESS: Yes.

5 JUDGE SIPPEL: Then you're looking through
6 the file for reasons as you gave; you're trying to
7 respond to the pertinent questions in the application
8 form?

9 THE WITNESS: Yes, sir.

10 JUDGE SIPPEL: She gives you this report
11 and then what did you say to her? What did you say to
12 her?

13 THE WITNESS: I don't remember saying
14 anything. What I remember is that she didn't hand me
15 this report. It was sitting in my mailbox.

16 JUDGE SIPPEL: All right. I'm going to
17 try it again one more time. Did all -- over what
18 period of time did all of this happen? From the time
19 that you told her you needed help straightening out
20 the file to the time that you found this report in
21 your mailbox?

22 THE WITNESS: Again, it's hard to remember

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1 how much time from beginning to end -- how much time
2 that took. Today -- I mean if I were to make a guess?

3 JUDGE SIPPEL: No, no, no. I don't want
4 a guess, but it started with the request and the
5 sequence is this. You made the request, then you
6 started looking at the file independently. So I take
7 it that she was out of the file by that time.

8 THE WITNESS: Honestly, I don't know if
9 she even started looking at the file.

10 JUDGE SIPPEL: Well, how could she do this
11 report without looking at the file?

12 THE WITNESS: I guess what I'm trying to
13 say, Your Honor, is that she -- Susan Hecht came in
14 once or twice a week for a couple hours a day.

15 JUDGE SIPPEL: Right.

16 THE WITNESS: So, it could've been during
17 -- I mean for sure it was one of the times she was in
18 the station. I asked -- it was obviously during one
19 of those times she was in the station where I asked
20 her for her help.

21 Whether she started -- went directly to
22 the folder, or to the drawer and opened it and started

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1 working on it or she was already stuffing envelopes
2 and on her own call she decided, oh, I'll start work
3 on the project Jeff just gave me the next time I'm in
4 the station, which might not have been until the next
5 week.

6 JUDGE SIPPEL: So, it could've been -- the
7 timeframe could've been a week --

8 THE WITNESS: Yes.

9 JUDGE SIPPEL: -- from the time that you
10 actually first asked her to straighten out the file
11 till the time that you actually got this report in
12 your mailbox.

13 THE WITNESS: Correct.

14 JUDGE SIPPEL: All right.

15 THE WITNESS: Okay.

16 JUDGE SIPPEL: That's the best you can do
17 on your recollection?

18 THE WITNESS: That's the best that I can
19 remember.

20 JUDGE SIPPEL: All right. Sorry, Mr.
21 Shook. Go head.

22 MR. SHOOK: I'll go back to where I was

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1 before. In your testimony at SFUSD Exhibit T1, page
2 13, you relate you sought advice from Mr. Sanchez
3 prior to completing the renewal application.

4 THE WITNESS: Yes.

5 BY MR. SHOOK:

6 Q Looking at Mr. Sanchez' bills, which would
7 be EB Exhibit 7. I believe your counsel gave you a
8 couple of pages. There you go.

9 A Okay.

10 Q Now, you're reviewing Mr. Sanchez' bills
11 at SFUSD, the only references that I can find that
12 seem to support your testimony on this point are the
13 June 30, 1997 and July 7, 1997 description of
14 services.

15 Could you review EB Exhibit 7, pages 1 and
16 2 and tell me whether there is another reference that
17 we should consider as support to your testimony that
18 you consulted with Mr. Sanchez as to how to answer the
19 renewal applications questions?

20 A I just want to make sure so -- I'm
21 reviewing the slip list here and identifying the times
22 that Mr. Sanchez and I would've had a telephone

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1 conversation about renewal application?

2 Q A conversation of any kind or he gave you
3 something to read or just anything that would try to
4 pinpoint the number of times that you and Mr. Sanchez
5 consulted about how to complete the renewal
6 application.

7 A Okay. Well -- can I -- I'll go back to
8 May 7 since it looks like we had a call on that date
9 about the license renewal process. Is that okay?

10 Q That's fine.

11 A Okay. So --

12 Q It's just that I want to point out to you
13 in connection with that that independently EB Exhibit
14 1 reflects that the renewal application wasn't even
15 mailed to KALW until May 15.

16 A Okay. So, it looks like on May 7 we had
17 a conversation about the license renewal because
18 that's what the short sentence there says. Then again
19 on May 8, 1997, and then again on May 14, 1997 because
20 it talks about renewal related materials for Mr.
21 Ramirez.

22 It looks like another call on June 30,

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1 1997 regarding license renewal question. It looks
2 like July 2 another renewal application reference.

3 Q Now in terms of July 2, who's Mr. Barmore?

4 A Mr. Barmore was the school district
5 attorney.

6 Q The reference there is to EEO information.
7 What connection does Mr. Barmore have with EEO
8 information?

9 A Yes. I think I remember that. It's part
10 of completing the license renewal application there
11 were a number of certifications where we just have to
12 certify one thing or another.

13 I think this is related to the
14 certification or documents that we needed to provide
15 with respect to disclosing any discrimination
16 concerns, or then also looking at this we also had to
17 complete the EEO report that was one of the forms with
18 the renewal package. So, it all could've been about
19 that.

20 Q Okay. Now looking at page 2, what other
21 references are there that would indicate conversations
22 between yourself and Mr. Sanchez about renewal

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1 application questions?

2 A It looks like the next one is on July 30,
3 1997 to review the final renewal application.

4 Q All right. Now, we understand from that
5 bill, and you can correct me if I'm misunderstanding
6 here, that that simply represents Mr. Sanchez looking
7 at the application to make sure it's complete before
8 he sends it off to the FCC.

9 A Correct.

10 Q I mean there's no indication there of a
11 conversation between yourself and Mr. Sanchez?

12 A Correct.

13 Q Now in terms of July 10 where it says
14 conference with Mr. Ramirez re: SCA contract revisions
15 and conversation with Mark Barmore, I take the SCA
16 contract doesn't have anything to do with the renewal
17 application?

18 A Yes. No, I don't think so. I think that
19 was its own, I don't know, its own business.

20 Q Other than the times that are noted on the
21 bills that we're looking at, EB Exhibit 7, pages 1 and
22 2 for the period of time that we've been talking

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1 about, do you have recollection of seeking advice from
2 Mr. Sanchez at any other times as to how to complete
3 the renewal application?

4 A No. This is consistent with what I
5 remember.

6 Q When you spoke with Mr. Sanchez in May,
7 June, or July, 1997, did you tell him what was then in
8 the Public Inspection File?

9 A I don't remember.

10 Q When you spoke with Mr. Sanchez, on the
11 dates noted in EB Exhibit 7, pages 1 and 2, did you
12 tell him what you planned to put in the Public
13 Inspection File?

14 A No, I don't remember.

15 Q During your conversations with Mr. Sanchez
16 before the renewal application was filed with the FCC,
17 did you inform him that issues programs list had not
18 been placed in the Public Inspection File during your
19 tenure as general manager?

20 A I don't remember.

21 Q During your conversations with Mr. Sanchez
22 before the renewal application was filed with the FCC;

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1 did you inform him that Issues Program List had not
2 been put in the Public Inspection File during Ms.
3 Levinson's tenure as general manager?

4 A I don't remember

5 Q Did you address with him what happened
6 during Ms. Levinson's tenure as general manager, vis-
7 à-vis the public file?

8 A I don't remember.

9 Q Did you -- during your conversations with
10 Mr. Sanchez before the renewal application was filed
11 at the FCC did you inform him that Issues Program
12 Lists had not been put in the Public Inspection File
13 during Mr. Jacobs' tenure as general manager?

14 A I don't remember.

15 Q Was Mr. Sanchez' advice to you about the
16 renewal application public file question that is
17 section 3, question 2 ever reduced to writing?

18 A No. I don't remember.

19 Q Since the issuance of the hearing
20 designation order in this proceeding have you had any
21 further conversations with Mr. Sanchez pertaining to
22 the advice that he may have provided concerning

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1 section 3, question 2 of the renewal application?

2 A No.

3 Q After conversing with Mr. Sanchez about
4 how to answer the renewal application questions did
5 you ever subsequently review the Public Inspection
6 File before the renewal application was filed?

7 A Yes. I reviewed the Public Inspection
8 File in order to fill out the renewal application.

9 Q Right. I'm just trying -- I'm trying to
10 get an idea of the sequence of events here. The judge
11 was asking you about that as well. One of the things
12 that seems to have happened is that in May of 1997 you
13 become aware that there is some obligation that the
14 station has with respect to the public file.

15 You look at it -- your direct testimony
16 speaks to the first look and you're finding that the
17 file was disorganized and messy.

18 A Yes.

19 Q Then you ask Susan Hecht to prepare
20 something or to do something that's a little -- it's
21 a little unclear what it was. But you asked her to do
22 something. Before she gave you this document that

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1 we've been talking about, you then went back to the
2 public file yourself and looked at it and decided that
3 there were things that you needed to do.

4 A Yes.

5 Q At some point during this sequence of
6 events you read the commission's rule about what the
7 public file was supposed to have in it and when it was
8 supposed to have it. You also called Mr. Sanchez?

9 A Yes.

10 Q You spoke to him perhaps several times
11 about what to do with the renewal application
12 questions. Not necessarily just section 3, question
13 2, but I take it the entire renewal application you
14 were talking with him about.

15 A Yes.

16 Q Now, after conversing with Mr. Sanchez,
17 did you then go back to the public file again to look
18 at it a third time to see whether it actually had
19 whatever it was you thought it needed?

20 MR. PRICE: Can I just clarify there were
21 several conversations with Mr. Sanchez. You should
22 just answer the last conversation or any of them?

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1 BY MR. SHOOK:

2 Q Well, after any of them in which the
3 public file was discussed to the point where you had
4 Mr. Sanchez' advice as far as what needed to be in
5 there and when it needed to be there.

6 A Yes, I don't remember.

7 Q As we've talked about and as you relate at
8 SFUSD Exhibit T1, page 14, you generally recall asking
9 producers to put together lists of programs that
10 demonstrated the station's treatment of community
11 issues prior to submitting your renewal application.

12 Would there have been any reason for you
13 to ask program producers to put together such lists
14 other than the Public Inspection File not having such
15 material in it?

16 A I'm not sure if I understood your
17 question.

18 Q Basically, it's like what triggered your
19 asking these program producers to put together any
20 such lists?

21 A I think it's because I felt that we needed
22 to place into the Public Inspection File lists of the

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1 programs that we produced that covered issues that
2 were important to the community.

3 Q Did you ever happen to ask Rose Levinson
4 whether she had had Issues Program Lists of any kind
5 placed in the Public Inspection File during her tenure
6 as general manager?

7 A I don't remember if I ever asked Rose
8 that.

9 Q Did you ever ask her whether she had
10 created an Issues Programs List for City Visions
11 programs for the general managers that have preceded
12 her?

13 A I don't remember.

14 Q With respect to John Covell, what did you
15 actually ask him to produce?

16 A I don't remember exactly what I asked John
17 to put together.

18 Q Did you ask that he produce a list of all
19 City Visions programs that aired during the license
20 term for placement in the Public Inspection File?

21 A Yes, again, I don't remember if that's
22 exactly what I asked him to do.

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1 Q Well, did you ask John Covell to limit his
2 list of City Visions programs to those that aired
3 during your tenure as general manager?

4 A I don't remember asking him to do that.

5 Q Did you actually review the list of
6 programs that John Covell created prior to completing
7 the renewal application?

8 A I don't remember reviewing his list.

9 Q With respect to any other producer, did
10 you ask any of them to limit his or her list of those
11 programs that aired during your tenure as general
12 manager?

13 A No, I don't remember doing that.

14 Q Did you ask Alan Farley to create a list
15 for the AIDS Update program for placement in the
16 Public Inspection File?

17 A I don't remember asking Alan.

18 Q I want to refer you to EB Exhibit 44. Is
19 that binder still up there? This is one that has the
20 300 plus pages in it.

21 MR. PRICE: Oh, okay he has that.

22 MR. SHOOK: He's got the SFUSD binder,

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1 right?

2 MR. PRICE: Right.

3 JUDGE SIPPEL: What page are we going to?

4 MR. SHOOK: Initially page 276.

5 MR. PRICE: You said 276?

6 MR. SHOOK: Correct. It should be a
7 quarterly issues report for the AIDS Update program.

8 BY MR. SHOOK:

9 Q Okay, see this? You see the dates noted
10 there it begins with 7/05/1996 and concludes with
11 9/27/1996?

12 A Yes, I see that.

13 Q Was this document in the public file when
14 you responded yes to section 3, question 2 of the
15 renewal application?

16 A I don't remember.

17 Q If you could turn to page 288. Was this
18 document in the Public Inspection File when you
19 responded yes to section 3, question 2 of the renewal
20 application?

21 A I don't remember if this was in there.

22 Q Page 299. Was this document in the Public

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1 Inspection File when you responded yes to section 3,
2 question 2 of the renewal application?

3 A I don't know if this was in there.

4 Q Page 311. Was this document in the Public
5 Inspection File when you responded yes to question 2
6 of section 3 of the renewal application?

7 A I don't remember if this was in there.

8 Q Did you ask Alan Farley to create a list
9 for the Book Talk program for placement in the Public
10 Inspection File?

11 A I don't remember.

12 Q I'd like you to turn to SFUSD Exhibit 49,
13 pages 1 through 5.

14 JUDGE SIPPEL: What are the pages again?

15 MR. SHOOK: SFUSD Exhibit 49, pages 1
16 through 5.

17 THE WITNESS: Okay, I see this.

18 BY MR. SHOOK:

19 Q Was a list or document of any kind
20 containing the information that appears in SFUSD
21 Exhibit 49, pages 1 through 5 in the Public Inspection
22 File when you responded yes to section 3, question 2

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1 of the renewal application?

2 A I don't remember seeing this in there.

3 Q Did you ask Alan Farley to create a list
4 for the Performing Arts Program for placement in the
5 Public Inspection File? That would be SFUSD Exhibit
6 49, pages 13 through 16.

7 A No, I don't remember asking Alan to create
8 this.

9 Q Was the list containing the information
10 that appears in SFUSD Exhibit 49, pages 13 through 16
11 in the Public Inspection File when you responded yes
12 to section 3, question 2 of the renewal application?

13 A I don't remember if this was in there.

14 Q Did you ask Alan Farley to create a list
15 for My Favorite Things program for placement in the
16 public inspection file?

17 A I don't remember asking Alan to do that.

18 Q Looking at SFUSD Exhibit 49, page 11, was
19 a list containing that information in the Public
20 Inspection File when you responded yes --

21 A Can you repeat the question again? I'm
22 sorry, I was distracted.

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1 Q Okay. Was a list containing the
2 information that appears SFUSD Exhibit page 11?

3 MR. PRICE: This the page with My Favorite
4 Things in bold in the middle of the page?

5 MR. SHOOK: Right.

6 MR. PRICE: Okay. We're on the right
7 page.

8 BY MR. SHOOK:

9 Q Was a list containing information from My
10 Favorite Things program in the Public Inspection File
11 when you responded yes to section 3, question 2 of the
12 renewal application?

13 A I don't remember if this was in there.

14 Q Did you ask Alan Farley to create a list
15 for the Open Air program for placement in the Public
16 Inspection File? That would be -- look at SFUSD
17 Exhibit 49, pages 22 to 31.

18 A Okay, I see that.

19 Q Did you ask him to create a list for the
20 Open Air program for placement in the Public
21 Inspection File?

22 A No, I don't remember asking Alan for this

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